

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

OCT 20 2005

JOHN F. CORCORAN, CLERK  
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DELORES SIMMONS, as Administrator )  
of the Estate of Harrie Simmons, Jr. )  
Plaintiff, )  
v. )  
GENE M. JOHNSON, et al., )  
Defendant. )

Civil Action No. 7:05CV00053

**ORDER**

By: Hon. Glen E. Conrad  
United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED**

that defendants' motions to dismiss are **DENIED**.

The Clerk is directed to send certified copies of this order to the defendants and to all  
counsel of record.

ENTER: This 20<sup>th</sup> day of October, 2005.

*[Signature]*

United States District Judge